

GOVERNMENT OF ANDHRA PRADESH

Abstract

Lands – Visakhapatnam District – Representation of Smt. Gosetti Venkata Narasamma W/o Late Gosetti Rajulu, Ex-servicemen, Visakhapatnam for according permission for enjoying the land allotted under Ex-servicemen quota at Kapuluppada village, Bheemunipatnam Mandal, Visakhapatnam district- - Request of the applicant – Rejected – orders - issued.

REVENUE (ASSIGNMENT – I) DEPARTMENT

G.O.Ms.No. 1712

Dated: 09-09-2011
READ: the following:-

- 1. Representation of Sri Gosetti Rajulu, S/o G. Mutyalu, Ex-servicemen, Visakhapatnam Dated 2.2.2009 received on 06-03-2009.
- 2. Govt Memo.No:10990/Assign.I(2)/ 2009-1,Dt:12-03-2009
- 3. From the Collector, Visakhapatnam Rc.No.1070/ 2009/E1., Dt. 14.7.2009.
- 4.Representation from Sri Gosetti Rajulu, Visakhapatnam, Dated 16.7.2009.
- 5.From the Spl.C.S. & CCLA, Hyderabad Letter No.B3/541/2009, dated 4/8/2009 and 01/05/2010.
- 6.Representation of Smt. Gosetti Venkata Narasamma W/o Late Gosetti Rajulu, Ex-servicemen, Visakhapatnam Dated 2.2.2009 received on 30/12/2010. received on 10/1/2011.
- 7. Govt. Memo.No:10990 / Assign. I (2)/ 2009-4, Dt : 03-03-2011
- 8. From the Spl.CS & CCLA, Hyderabad lr . Ref. No. B3/109/2011, dated 09.05.2011.

ORDER :-

Sri Gosetti Rajulu, S/o Late Mutyalu, Ex-servicemen, Visakhapatnam district has submitted the representation before the Government and requested the Government for according permission for enjoying the land to an extent of Ac.4-88 Cts allotted under Ex-servicemen quota at Kapuluppada village, Bheemunipatnam Mandal, Visakhapatnam district to meet his family needs at the fag end of his life. After demise of the petitioner, Smt Gosetti Venkata Narasamma, wife of the petitioner has also submitted a representation before the Government and requested to consider their request.

- 2. In the reference 3rd cited, the Collector, Visakhapatnam has reported that the Petitioner in his representation has stated that he was granted D-Patta for the above said land in the year 1992, since then the land is in his possession and enjoyment without any hindrance by having plantation of Maringa, Mango and Coconut, that he was also issued Pattadar Pass Book and Title Deed bearing No. C 316770 under Khata No.737, that he is eking out his lively hood on the land assigned to him. The petitioner has further stated that, when the Tahsildar Bheemunipatnam tried to dispossess him presuming that no assignment was granted to him, he approached the Hon'ble High Court and filed W.P.No.4101/2005 and the Hon'ble High Court has disposed off the case and directed the Tahsildar Bheemunipatnam to conduct enquiry after giving a reasonable opportunity. The Petitioner has also raised certain objections on the resumption orders passed by the then Tahisldar, Bheemunipatnam as well as the orders of the Revenue Divisional Officer, Visakhapatnam. The representation along with enclosures so received from the Govt., has been forwarded to the Tahsildar, Bheemunipatnam for his enquiry and report vide this office letter dated: 17.06.2009.
- 3. It was also reported that the Tahsildar, Bheemunipatam, has submitted report stating that in the year 2005, the present petitioner Sri Gosetti Rajulu along with three others had filed W.P.No.4101/2005 before the Hon'ble High Court of A.P., Hyderabad praying to issue orders / directions declaring the action of the VUDA in interfering with the peaceful possession and enjoyment of the land situated in Kapuluppadu village as detailed below, which are claimed to have been assigned in their favour vide D.R. numbers noted against each under Ex-Servicemen quota.

Sl.No.	Name of the Petitioner	Sy.No.	Extent in Acres	D.R.No.
1.	Gali Tatarao S/o. Late Appanna	385/1	4.95	225/1402 Dt. 20.10.1992
2.	Thokada Tata S/o. Dandu Thata	383/1	5.00	226/1402 Dt. 28.06.1992

3.	Kanithi Apparao S/o. Appalaswamy	385/2	4.70	225/1402 Dt. 20.10.1992
4.	Gosetti Rajulu S/o. Late Mutyalu	357/2 375/2	4.00 0.88	237/1402 Dt. 29.11.1992

4. The Tahsildar has further reported that, the Writ Petition was contested contending that none of the petitioners was granted any Patta in Kapuluppada village and that they were never granted any D-Form Patta in any of the aforesaid Survey Numbers, that it was also contended that the petitioners have filed Writ Petition basing on fictitious documents and that the applications of the petitioners were not at all registered in the Dharakast Register and the so called D-Form Pattas are not genuine and that they are fake, that after hearing both the parties the Hon'ble High Court of Andhra Pradesh, Hyderabad disposed of the said Writ Petition vide common order dated 11.10.2007 directing the Tahsildar, Bheemunipatnam to conduct the enquiry after giving reasonable opportunity to the petitioners and to decide as to whether the Pattas relied upon by the Petitioners are genuine or not, and if they are not genuine, petitioners are not entitled for any relief, that in pursuance thereof, notices have been issued to the petitioners requiring them to appear for enquiry on 22.12.2007 at 11.00 A.M. along with documentary evidence in support of their respective claims, that the notices were sent through Registered Post with Acknowledgement due, Sri Gosetti Rajulu one of the petitioners received the notice and acknowledgement to that effect has been received in his office, that in spite of receiving notice the individual failed to turn up or to get himself to represented on 22.12.2007 to which date enquiry was posted, that as he failed to turn up for enquiry in spite of receiving notices he was set ex-parte and orders were passed vide proceedings Rc.No.139/2005/ARI/Dt. 07.01.2008 holding that the D-Form Patta relied upon by the individual is not genuine and it is a fake one and that the individual is making efforts to snatch away valuable Government land and that the land if any in the possession of the petitioners was ordered to be resumed to the Government with immediate effect, that in pursuance thereof the total extent of Ac.4.88 cts covered by Survey Nos. 357/2 and 375/2 of Kapuluppada village was resumed to Government and in turn handed over the same to Estate Officer & Special Grade Deputy Collector, Visakhapatnam on 30.01.2008, that assailing the orders dt.07.01.2008 of Tahsildar, Bheemunipatnam. Sri Gosetti Rajulu S/o. (Late) Mutyalu has filed an appeal before the Revenue Divisional Officer, Visakhapatnam u/s 4 (A) of the AP Assigned Lands (POT) Act, 1977 and same was dismissed by the Revenue Divisional Officer, Visakhapatnam vide order in Appeal Case Rc.No.1613/ 2008/ A, Dt.27.12.2008 , that during pendency of the said appeal before the Revenue Divisional Officer, Visakhapatnam, the individual has filed Writ Petition No.6124 / 2008 before the Hon'ble High Court praying to declare the auction held by the VUDA in respect of the land in Sy.No.357/2 in an extent of Ac.4.00 cts and Sy.No.375/2 in an extent of Ac.0.88 cts situated in Kapuluppada Village is illegal.

5. It was also reported by the Collector, Visakhapatnam that the Petitioner Sri Gosetti Rajulu and 3 others have filed W.P.No.4101/2005, another person Sri P. Appalaraju has also filed W.P.No.17166 / 2006 claiming the land in Kapuluppada village. While clubbing these two Writ Petitions, the Hon'ble High Court has issued Common Order dt.11.10.2007 directing the Tahsildar to hold enquiry as to the genuineness of D-Pattas claimed by the Petitioners. The Tahsildar, Bheemunipatnam has enquired into the matter and passed orders on 07.01.2008 confirming that the D-Pattas claimed by the petitioners are fake Pattas. In the meanwhile, the present petitioner along with two others have filed Contempt case No.36/2008 alleging that respondents did not pass orders pursuant to the High Court Orders dt.11.10.2007, but the Hon'ble High Court has dismissed the Contempt Case at the admission stage since itself the Tahsildar has already passed orders on 07.01.2008. Further, after issue of Orders by the Tahsildar, Bheemunipatnam, the petitioner along with five others have filed W.P.No.1180/2008 praying to declare the impugned order passed by the Tahsildar, Bheemunipatnam, bearing Rc.No.139/2005/ARI dt.07.01.2008 as illegal and consequently set aside the same. The Hon'ble High Court in its orders dated: 05.02.2008 has disposed off the case and stated that if any appeal said to have been filed on 28.01.2008 by the petitioner, the Revenue Divisional Officer, Visakhapatnam was directed to consider and dispose of the same in accordance with law and pending disposal of the said appeal, status quo with regard to possession obtained as on that day shall be maintained.

6. The Petitioner alone has also filed another W.P.No.6124/2008 praying to issue orders declare the auction held by the 5th Respondent (i.e., VUDA) in favour of 6th Respondent (i.e. M/s Aditya Housing and Infrastructure Development Corporation, Hyderabad) in respect of land in Sy.No.357/2 and 375/2 measuring Ac.4.88 cts situated in Kapuluppada Village are arbitrary, illegal and that too during the pendency of the appeal before the 3rd respondent (i.e Revenue Divisional Officer, Visakhapatnam) and

consequently direct the respondents not to either dispose the petitioner to maintain status quo in respect of the said land in all respects pending disposal of the appeal before the 3rd respondent. The Tahsildar, Bheemunipatnam has filed counter affidavit contending the contentions of the petitioner as stated supra in Tahsildar's report. The Hon'ble High Court in its orders dated 14.11.2008 have disposed off the case directing the Revenue Divisional Officer, Visakhapatnam to dispose of the appeal filed by the petitioner and pass appropriate orders. The Hon'ble Court has further issued orders that, the status quo order passed by the Court on 30.04.2008 shall continue to be in operation till the disposal of the appeal or the stay application, whichever is earlier.

7. On the appeal petition filed by the petitioner, the Revenue Divisional Officer, Visakhapatnam vide his orders dt.27.12.2008 has observed that even though sufficient opportunity was given to the appellant to produce the original D-Patta and Pattadar Pass Book & Title Deed said to be issued in the name of the appellant, his counsel have failed to produce the above recorded evidence and also failed to attend the court on the dates of hearing finally the case called on 15.12.2008, that the appellant is absent, but his advocate present and failed to produce documentary evidence i.e. Original D-Patta, Pattadar Pass Book & Title Deed said to be issued in the name of appellant, that the Tahsildar has filed a report stating that the appellant and writ petitioners in W.P.No.4101/2005 of the Hon'ble High Court were never granted D-Pattas in Kapuluppada village in the Surveys Numbers mentioned by the petitioners, that the appellant has filed the said W.P. basing on the fictitious documents and the application of the appellant was not at all registered in the DR Register and the so called D-Patta is not a genuine one and it is a fake Patta, that the appellants are making efforts to snatch away the valuable Government land. The Revenue Divisional Officer, Visakhapatnam has further hold that, as the above Patta is a fake one, the land in question was resumed to Government by the Tahsildar, Bheemunipatnam and in turn handed over the same to the VUDA on 30.01.2008. The Revenue Divisional Officer, Visakhapatnam has finally concluded that, since the appellant has failed to produce documentary evidence in support of his claim, there is no necessary to interfere with the orders of the Tahsildar, Bheemunipatnam and the present case does not come under the purview of the A.P. Assigned Lands (POT) Act, 1977, and accordingly he dismissed the appeal petition filed by Sri Gosetty Rajulu.

8. The Collector, VSP in his letter dated 26-04-2011 has submitted further report to Government stating that the petitioner in his representation has requested to do justice for issue of NOC in respect of the land to an extent of Ac.4-88 Cts in Sy. No. 357/2 and 375/2 of Kapuluppada village, Bheemunipatnam Mandal, Visakhapatnam district, which was said to have been assigned to him under Ex- Servicemen Category, but the Govt. have resumed the said land holding that no assignment was granted in his favour. The District Collector, Visakhapatnam has also informed that as per the information available in his office, the petitioner was never granted "D" Form pattas in Kapuluppada Village in the above said survey numbers. As such, the documents produced by the applicant are not genuine. The land in question was resumed to Govt. and handed over to VUDA on 30.01.2008. He has therefore requested the Government to reject the request of the petitioner.

9. The Spl. CS & CCLA, Hyderabad in his letter dated 09.05.2011 has informed that as seen from the report of the Collector, VSP and correspondences available in his office back disposal L.Dis. B3/541/2009 dt. 01.05.2010, the applicant is claiming that he was assigned an extent of Ac. 4.88 cts in Sy. No. 357/2 (Ac. 4.00) and 375/2 (Ac. 0.88) of land in Kapuluppada village of Bheemunipatnam Mandal under Ex- Servicemen quota and that the land was resumed to Govt. by the authorities stating that no assignment was granted in his favour. The applicant represented to the Govt. for issue of NOC for the above land.

10. The claim of the Department is that no assignment was granted in his favour, that the land is a part of hill poramboke and as such he was never in the possession of the land. The patta on which the individual is relied upon is not a genuine one. The matter was carried to the Court of law and in pursuance of the High Court orders in WP. Nos 4101/2005 and 17166/2006 dt. 11.10.2007, the applicant was issued a notice by Regd. post to appear before the Tahsildar, Bheemunipatnam on 10.12.2007 at 11.00 AM for enquiry with documentary evidence. He did not attend duly giving reasonable opportunity to him. Hence, ex-parte orders were passed on 07.12.2008 and subsequently the land was allotted to VUDA on 30.01.2008. However, the Collector agrees that the name of the individual finds place in 1-B register under ROR Act of Kapuluppada village under Khata No. 737, but without any authentication either by the Tahsildar or any subordinate staff. He has further reported that the Collector, VSP has submitted point-wise reply to the questions put forth by the applicant, and also requested the Government to reject the petition. The Spl. CS & CCLA, Hyderabad has therefore requested the Government to take further action in the matter.

11. Case called for final hearing 03-09-2011. The petitioner and the Counsel for the Petitioner and also the Tahsildar, Bheemunipatnam were present. The Counsel for the Petitioner has argued the case, and submitted that contents of the case before the Government. The Tahsildar, Bheemunipatnam has submitted the Assignment Register before the Government.

12. Heard the case, and perused the records / reports submitted by the Collector, Visakhapatnam / Spl.CS & CCLA, Hyderabad and the Tahsildar, Bheemunipatnam.

13. After perusal of the records, it was observed that the petitioner was never granted "D" Form pattas in Kapuluppada Village in the above said survey numbers. As such, the documents produced by the applicant are not genuine. The land in question was resumed to Govt. and handed over to VUDA on 30.01.2008, and the name of the individual which was appeared in 1-B register under ROR Act of Kapuluppada village under Khata No. 737 is not having any authentication either by the Tahsildar or any subordinate staff. Therefore, the request of the appellant / petitioner is hereby rejected.

14. The District Collector, Visakhapatnam shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL CHANDRA PUNETHA

PRINCIPAL SECRETARY TO GOVERNMENT

To

The Collector, Visakhapatnam district.

The Spl.CS & CCLA, Hyderabad.

Smt Gosetti Venkata Narasamma,

Wife of Late Sri Gosetti Rajulu,

C/o L. Murali Mhan, T-3. Satyasai Vihar,

Narasimhanagar, Visakhapatnam.

Copy to the OSD to Minister for Revenue

Copy to the PS to Prl.Secy., Revenue

Stock-file.

// FORWARDED :: BY ORDER //

SECTION OFFICER